

## CITY OF SAN ANTONIO

P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966

November 6, 2014

Clara Sanchez 1603 Arbor Trail San Antonio TX 78207

Re: Floodplain Variance

AP# 1981728 922 NW 36th ST

FPV# 15-001

To Whom It May Concern;

The Transportation & Capital Improvements (TCI) Storm Water Division has been in review of the Building Permit associated with the residential construction at 922 NW 36<sup>th</sup> Street. The proposed development is not in compliance with the current City of San Antonio Unified Development Code (UDC) Appendix F "Floodplains" as follows:

- 1. The proposed development does not meet the following UDC requirements:
  - Appendix F, Subdivision C, Section 35-F125 (a) The Following development will not be allowed in the regulatory floodplain: (2) Habitable Structures
- 2. A variance to the above UDC requirements will be required prior to TCI Storm Water Division approval of the residential building permit and floodplain development permit.
- 3. TCI Storm Water Division will <u>not support</u> a variance to the above UDC requirements due the following conditions:
  - Allowing the proposed residential development would endanger the lives of any residents living in the habitual structure.
  - In the event of an emergency during a flood event, the lives of the first responders would be endangered due to flooding within area and/or structure.
  - Allowing the proposed residential structure to be built within the 1% Flood Hazard Area would be in conflict with the city of San Antonio's Floodplain Ordinance, approved and accepted by the Federal Emergency Management Agency (FEMA), and may jeopardize the City's National Flood Insurance Policy.

If the Variance is approved by the Planning Commission, TCI Storm Water Division will issue the residential building permit and approve the floodplain development permit. If you have further questions or require any further assistance and/or information, please contact Lee Muniz at (210) 207-0096 or via email (<a href="lee.muniz@sanantonio.gov">lee.muniz@sanantonio.gov</a>) or Sabrina Santiago at (210) 207-0182.

Sincerely,

Arthur E. Reinhardt IV, PE, CFM Assistant Director, Storm Water Division Transportation & Capital Improvements

Attm(s): Exhibit 1-Vicinity Map

cc: Clara Sanchez

City of San Antonio, Planning Commission

## SAN ANTONIO DEEP IS THE HIBART

#### **CITY OF SAN ANTONIO**

DEPARTMENT OF PUBLIC WORKS

PLANNING & ENGINEERING/STORM WATER ENGINEERING

STAFF REPORT

AGENDA ITEM No. 18

#### Public Hearing:

Planning Commission

#### Application/Case Number:

FPV 15-001

#### Applicant:

Clara Sanchez

#### Representative:

Clara Sanchez

#### Owner:

Clara Sanchez

#### **Staff Coordinator:**

Lee Muniz, CFM Senior Engineering Associate (210)207-0096

Lee.Muniz@sanantonio.gov

#### Property Address/Location:

922 NW 36<sup>th</sup> St.

#### MAPSCO Map Grid (Ferguson) 615 A-3

#### **Tract Size:**

Tract is approximately .14 acres

#### Council District(s):

7

#### Notification:

Internet Agenda Posting April 19, 2013

#### REQUEST

1) A request for approval of a floodplain variance **FPV 15-001** to Section 35-F125 (a) (2) of the Unified Development Code (UDC), respectively, regarding allowable development within the regulatory floodplain for the **Building permit at 922 NW 36<sup>th</sup> ST. AP# 1981728**, a residential lot within the Zarzamora Creek watershed.

#### **APPLICATION TYPE:**

Floodplain Variance

#### **RECOMMENDED ACTION**

**Denial** of the proposed variance to Appendix F, Section 35-F125 (a) (2)

#### **ALTERNATIVE ACTIONS**

- 1) Approval of request
- 2) Denial of request
- 3) Continuance for additional information

#### **DATE FILED**

October 20, 2014

#### I. SYNOPSIS OF ANALYSIS

The applicant has submitted a building permit for the construction of a residential structure at 922 NW 36<sup>th</sup> street. A house was previously occupied at the address, but a fire damaged the structure to the extent that a new structure would be required to be built. Initially the home owners attempted to apply for a floodplain development permit to repair foundation piers for the existing structure (AP# 1943470). It was determined, however, by Development Services that the existing structure had severe structural damage and would require a completely new residential structure. The building permit for a new residential structure (AP# 1981728) requires a variance to the City of San Antonio's floodplain ordinance so that construction can be completed.

#### III. RECOMMENDATION

The Director of Transporation & Capital Improvements recommends the **denial** of the floodplain variance (Attachment 3) with the following conditions:

- Allowing the proposed residential development would endanger the lives of any residents living in the habitual structure.
- In the event of an emergency during a flood event, the lives of the first responders would be endangered due to flooding within area and/or structure.
- Allowing the proposed residential structure to be built within the 1% Flood Hazard Area would be in conflict with the City of San Antonio's Ffloodplain Oordinance, approved and accepted by the Federal Emergency Management Agency (FEMA), and may jeopardize the City's National Flood Insurance Policy.

The Director of Development Services recommendation for the **residential building permit AP#** 1981728 is **Pending** the approval or denial of this variance request.

#### IV. ATTACHMENTS

- 1. Variance Request
- 2. Variance Response/Letter to applicant
- 3. Variance recommendation
- 4. Floodplain exhibit

#### CITY OF SAN ANTONIO

## Transportation & Capital Improvements (TCI) Interdepartmental Correspondence

TO:

Marcello Diego Martinez, Chair

City of San Antonio Planning Commission

FROM:

Arthur E. Reinhardt IV, PE, CFM, Assistant Director of Transportation & Capital AER 1/13/14

Improvements (TCI), Storm Water Division

COPIES TO:

Clara Sanchez

SUBJECT:

Residential Building Permit for 922 NW 36 St. AP# 1981728.

DATE:

November 5, 2014

The Department of Transportation & Capital Improvements (TCI) Storm Water Division has reviewed residential building permit at 922 NW 36 ST AP# 1981728.

The proposed development does not meet the following City of San Antonio Unified Development Code (UDC) requirements:

• Appendix F, Subdivision C, Section 35-F125 (a) The Following development will not be allowed in the regulatory floodplain: (2) Habitable Structures

TCI Storm Water Division will not support a variance to the above UDC requirement due to the following conditions:

- Allowing the proposed residential development would endanger the lives of any residents living in the habitual structure.
- In the event of an emergency during a flood event, the lives of the first responders would be endangered due to flooding within area and/or structure.
- Allowing the proposed residential structure to be built within the 1% Flood Hazard Area may jeopardize the City of San Antonio's FEMA National Flood Insurance Policy.

If the Variance is approved by the Planning Commission, TCI Storm Water Division will approve the floodplain development permit.

Attm(s) #: Exhibit 1-Vicinity Map

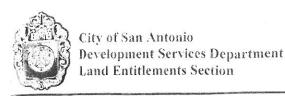


# REQUEST FOR REVIEW

EDOM. Clara	orm Water Engineering		ate 10/20/2014	
FRUIVI: Clara	a Sanchez / Richard	Carrizales (207-80	50)	
PHONE NUMBER	R: 210-415-4502	FAX NUMBER #		
ITEM NAME:	House Project AP No. 194	13470 and 1981728 F	TLE: FPV # 15-001	
	187			
RE: Adminis	trative / Variance			
comm respon possib the da	attached item has been somet to the Planning Commonse to the <b>CONSULTA</b> ble, but no later than the data ate of receipt of this request eview. "Days" represents care	NT OF RECORD. Response te shown below. Response of or receipt of all the item	e review and forware turn response as s time will commend	d your oon as e from
Please Return I	By: November	r 4.	, 20 14	
□I recom	mend approval	I do not recon	nmend approval	
On	. I noti	fied	, the engine	er/
	nt, of the corrections needs			
subdivider/agen		ed to remove this objection	n. Tel #	

FPV#15-001

Revised: 7/16/2012



## VARIANCE/ TIME EXTENSION APPLICATION

Date Submitted:	Project ID Number: 1943470 1981728
Project Name: House Roject	/ 
Owner/Agent: CLARGEMARTIN SANCHEZ	Phone: 210 415-4502 Fax:
Address: 1603 ARBOR PL SAN ANTONIC	
Consultant: Robert ARPChe	Phone 20 7721136 Fax: 910 227-9796
Address: 306 E. CEORIOS SAN	ANTONIO, Zip Code: 78204
Email Address: Robert Areche e	Email. Comm
BACKGROUND:	
1. Time Extension Sidewalk Floodplain	Permit Other: VARIANCE SIME EXTENSION
2. City Council District Ferguson Map Grid	Zoning District R6
3. San Antonio City Limits - Yes No	
4. Edwards Aquifer Recharge Zone? Yes	No
5. Previous/existing landfill? Yes No	
6. Parkland, greenbelts, or open space? Flood plain	Yes No
VARIANCE APPROVAL CRITERIA:	
As per the UDC, the variance request letter must address	s the following criteria prior to submission.
1. If the applicant com plies strictly with the provis	sions of these regulations, he/she can m ake no
reasonable use of his/her property; and	
2. The hardship relates to the applicant's land, rather th	nan personal circumstance; and
3. The hardship is unique, or nearly so, rather than one	shared by many surrounding properties; and
4. The hardship is not the result of the applicant's own	actions; and
5. The granting of the variance will not be injurious	o other property and will not prevent the orderly
subdivision of other property in the area in accordan	ce with these regulations.
<b>FEES</b> (please refer to the current fee schedule)	
Variance Request \$	OR Time Extension \$
Print Name: Clara Sanchoz	Signature: Von Song
above mention criteria your variance may be subject to disappro Determination request, the Director of Development Services shall	(Checking this requires a notarized Letter of Agent.) reviewing agencies. In addition, if the letter does not address the oval. (I'th a variance is being made in regards to a Certificate of I make a determination within 20 days after the date it receives the resubsection 35-430(d) of the UDC and shall issue the vertificate, if

appropriate, within 10 days after the date of Planning Commission approval. Additional fees may apply, please see fee schedule

## FROM THE DESK OF CLARA SANCHEZ

1603 ARBOR SAN ANTONIO, TEXAS 78207 Phone (210) 415-4502 E-Mail: Clara.Sanchez@Parllon.Com

October 14, 2014

City of San Antonio Development Services Department Land Entitlements Section

RE: House Project (Ap-1943470,1981728)

922 N 36<sup>th</sup> San Antonio Bexar County Texas Owners/Contractors Martin & Clara Sanchez

Dear Sirs,

Please be advised my Husband and I are referenced above as the Owners and Contractors of the above referenced project. Also we are Bona fide purchasers for value of this property. We purchased the property with preexisting fire damage. Our intent is to refurbish and rehabilitate the property to code and make it habitable for our homestead.

Moreover prior to the start of the project our first priority was to apply for all the necessary building permits. We submitted all our applications however unbeknownst to us at the time the property had two vital issues which prevented us from obtaining the permits. The first is a City of San Antonio's Building Standard Board's ("BSB") demolition order issued on March 29, 2012 and the second is the fact is that the property is located within an identified flood plain of the city of San Antonio or E.T.J.

The first impediment (i.e., demolition order) is abated since we entered into a compliance agreement with the City which was consummated on November 4, 2013. This predicament can easily be solved in fact we were well on our way in performing our part of the agreement. The second complication (i.e., Flood Plain) is what has created a major gridlock in the project and high anxiety in our lives. As I explained above when we applied for the initial permits we were apprised of the fact that the land is in a Flood Zone however this obstacle we were assured by the could be remedied by appling for a Flood Plain Permit accompanied by submitted Engineered Reports, building plans and specifications. We diligently followed there instructions and were issued a Flood Plain Development Permit which states the following:

THE FLOOD PLAIN ADMINISTRATOR HAS REVIEWED PLANS AND SPECIFICATIONS OF THE PROPOSED DEVELOPMENT FOR CONFORMANCE WITH THE FLOOD PLAIN ORDINANCE NO. 57969 OF THE CITY OF SANTONIO, TEXAS.

## YOU ARE HEREBY AUTHORIZED TO PROCEED WITH THE FOLLOWING PROPOSED CONSTRUCTION.

We began the project which was running smoothly and with a high probability of completion within the FPDP's allotted time however on or about 4-11-14 a code enforcement officer issued a STOP WORK ORDER. Our subsequent investigationed us to E-Mail correspondence with the Sr. Engineer, Floodplain Manager Daniel Aguilar, PE,CFM. Mr. Aguilar contends that we are in violation of the City of San Antonio's Unified Development Code Section 35-F125 in Appendix F, Habitable Structures. Furthermore he instructed that to remedy the issue we now must file a VARIANCE/TIME EXTENSION APPLICATION. Thus, this is the purpose of this letter which evidently is required as part of the variance application.

The application has a section titled **VARIANC** 

**E APPROVAL CRITERIA** and states that the letter must address the following criteria in a numerical order. My reply is as follows:

- 1. The UDC states that new construction is not allowed in a flood plain however allows for a remedy pursuant to a Variance. But if we are forced to comply 'with the strict provision of the regulation then the land wound be render useless. Its original intended purpose sanction by the city is construction of a single family dwelling therefore we could make reasonable use of our property. Moreover the BACD appraised value and market value is drastically diminished thus reducing the tax base for the City and the County. This affects the budget for the City, County, and the School District
- 2. The hardship relates to the applicant's land, rather than personal circumstances, since the land sustained extreme fire damages, also that it lies within a vague and obsolete Food Plain Zone. The infrastructure in the zone is redesigned and reconstructed (i.e., Bridges & a modern drain system) evidently since the early 1970.s. According to the neighbors there have been torrential rains but no flooding has occurred in this zone. However this places a hardship on the land to forever remain undeveloped and a waste. It will always remain less than the Mkt. Value of the surrounding properties.
- 3. The hardship is unique, or nearly so, rather than one shared by many surrounding properties; since this is property is subject to an accidental casualty, the fire destruction, and
- 4. The hardship is not the result of the applicant's own actions because the fire casualty occurred prior to the applicant's purchase and furthermore the property

is in a dilemma in that the City of San Antonio FPDP conflicts with the Compliance Agreement laundry list of Repairs.

5. The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations. The granting of the variance will only improve the subdivision and improvements and the building will not in case of flooding create down flow to any property increasing flood damage and no material of any kind will be allowed to be deposited or stock piled over night within the floodplain or drainage right-of-way.

Your prompt attention to this matter would be greatly appreciated since we have invested thousands of Dollars and since Code Compliance stop the project the expense building materials our wasting away at a great loss to us.

Awaiting your reply

Clara Sanchez

City of San Antonio

P.O. Box 839966 San Antonio, TX 78283-3966 **Building Review Detail** 

Act # 1004577	
Property Information  Address 922 NW 36TH ST SAN ANTONIO TX 78228-0000  Location	
Application Information	
Type RESBLDGGENRESIDENTIAL BLDG APPLICATION Priority 1 Type of Work NEW Dept of Commerce RESID	
Square Footage 1607.00 Declared Valuation 60000.00 A/P Name MARTIN SANCHEZ	
Desc of Work ***Double fee per case #127408***	
New 1 story SFR with no gargae. VOLUME:3700, PAGE:217, NCB:8640, BLOCK:6, LOT:21, ZONE:R6. RESCHECK SUBMITTED. UD ON F The total square footage was revised from 1581sf to 1607sf.	LÉ.
(*) Two (2) - 1.5" Medium to Large Trees (see appendix "E" for types) required for 38% residential Tree Canopy requirements (udc 35-523(e)	4.1
prior to final inspection	
(*) Turf grass installed during or associated with new residential construction on and after 01-01-2006, shall have a minimum of FOUR INCHE soil under turf grass.	So
Initial Review	
Issued Date/Time 06/09/2014 16:11 Issued By SE16051 System Generated	٦
Scheduled Date/Time Scheduled By Waived	
Department DSDENG Assigned To LM18160	
Review Results	_
Reviewed By LM18160 Denied Suspense Date 06/16/2014	
Start Date/Time         06/16/2014 12:57         Completed Date/Time         06/16/2014 12:57         Actual Time         0.00	

 $06/16/14\ L.M.$  No residential structures are allowed within the 100 year floodplain.



## CITY OF SAN ANTONIO

## FLOOD PLAIN DEVELOPMENT PERMIT



Application Number	14-053	Date	1/13/2014	Perr	mit Number	2014053
1. APPLICANT DATA (O	wner)					
Company Name	,					
First Name CLARA	MI R		Last	SUNCHEZ		
Address: Number	922 Street SW 36TH ST		City	SAN ANTONIO	•	
State TX	Zip Code78207		Phone	(210) 415-4502		
	E HAS APPLIED FOR A F BY THE FLOOD PLAIN AU IENT IS LOCATED WITHI		DAILED WELL	7 17 16 1116		
SAN ANTONIO, TEXAS.	IINISTRATOR HAS REVIED ONFORMANCE WITH THE	FLOOL	PLAIN ORI	DINANCE NO. 579	69 OF THE C	ITY OF
YOU ARE HEREBY AUTI	HORIZED TO PROCEED I	WITH TH	E FOLLOW	ING PROPOSED (	CONSTRUCT	ON:
2. TYPE OF PROPOSED	DEVELOPMENT					
Proposed use: Residential	The state of the s					
*If non-residential or oth	er selected complete the for	ollowing:				
Type of use proposed:		•			,	
Occupant Name		Pho	ne			_
3. DESCRIPTION OF CON the proposed construction	ISTRUCTION - NOTE: Ap	plicant	shall provide	e two sets of plans	s of	
Type: Other	Other (Describe): REPLAC	E 48 CED	AR PIERS AND	CONCRETE PIERS		
ON THE FOLLOWING DE	SCRIBED PROPERTY:	200200				
4. LOCATION						
Subdivision	Number	Lot	Number 21	Block 6 NC	B 8640 Tra	
Location Description: 922 SW 36	6TH ST, SAN ANTONIO,TX 7820	07, A/P #19	943470	- NO	B <u>8640</u> Tra	act
W. J	w					
Permit	ee Print Name					
Clara S	anchez		0,	1-15-14	)	
Permit	tee Signature	****	-	Date		
W.M.			0	1-12-2011		
RECOMMEN	D FOR APPROVAL		01	Date		
	-///			7. 1.		
OOD PLAIN ADMINISTRA	TOR INDE OF PURILOW	OBKE	/	114/14		
	(Conditions and p		s on nevt no	Pate /		



14-053

**Application Number** 

#### **CITY OF SAN ANTONIO**

#### FLOOD PLAIN DEVELOPMENT PERMIT

**Date** 1/13/2014



**Permit** 

2014053

#### FOR OFFICE USE ONLY

TO MAINTAIN COMPLIANCE WITH THE FLOOD PLAIN ORDINANCE REGULATIONS AND TO ELIMINATE OR MINIMIZE FLOOD DAMAGE POTENTIAL TO THE PROPOSED DEVELOPMENT, YOU ARE HEREBY DIRECTED TO CONSTRUCT YOUR PROPOSED DEVELOPMENT IN ACCORDANCE WITH THE FOLLOWING SPECIAL PROVISIONS:  For residential structures, the lowest floor (including basement) must be elevated to feet
mean sea level.  For non-residential structures, the lowest floor (including basement) must be elevated or floodproofed to feet mean sea level.
Permittee must submit an elevation certificate from a registered professional engineer or surveyor that the finished floor level of each structure has been constructed at the specified elevation.
For non-residential floodproofing, a registered professional engineer or architect must certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
✓ Other provisions:
This permit is good for only 12 months after 12 months this permit will become null and void.
If the work does not commence within 6 months a new permit will be required.
No material of any kind will be allowed to be deposited or stock piled overnight within the floodplain or drainage right-of-way.
Within five (5) working days of a storm event: The property owner is responsible for both (1) repairing any damage that may occur and (2) removing any materials that may be deposited downstream of the subject site as a result of the proposed construction.
This Floodplain Development Permit (FPDP) is NOT a construction (/ building) permit. The contractor shall coordinate with the City of San Antonio Development Services Division regarding additional building permit requirements.
These improvements are estimated at \$4,000.00 per Martin the owner of the property. The structure was appraised at \$9,740.00 by BCAD for the year 2013. To date, repairs constitute 41.06% improvements.
The property owner (permitee) understands that if the cumulative cost of improvements to the building between January 13, 2014 and January 12, 2024 (a period of 10 years) reaches \$4,870.00 (50% of the current building value), the entire building shall
(cont'd) require floodproofing in accordance with City of San Antonio Unified Development code regulations.
All construction associated with this FPDP shall conform to the approved plans as per AP # 1943470
Is Additional Information Required? No
Are other Federal, State, or Local Permits required? No
Permit Application - Reviewed By: Md.Serajul Mahfoz,EIT,CFM
WARNING:
The flood hazard boundary maps and other flood data used by the Flood Plain Administrator in

The flood hazard boundary maps and other flood data used by the Flood Plain Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of this permit does not imply that land outside the areas of special flood hazards or that the uses permitted within such areas will be free from flooding or flood damages due to local conditions. Construction standards required by this permit are the minimum standards deemed necessary to minimize or eliminate flood damage, but reliance on these minimum standards shall not create liability on the part of the City, the Flood Plain Administrator or any officer or employee of the City of San Antonio in the event flooding or flood damage does occur.

Permittee Initial

Revised: April 18, 2006

## CITY OF SAN ANTONIO FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY
Application Number 193970 Date/-/3-/
1. APPLICANT DATA (Owner)
Company Name: C/ Name (F) Class Sandos (MI.) R (Last) Sandos Maddress: G22 36-Sp City: 5- Autorio M State: +x Zip Code: 2820 Phone: 20 415-450
2. TYPE OF PROPOSED CONSTRUCTION
( ) Residential ( ) Non-Residential* ( ) Other*
*If non-residential or other checked complete the following:
Type of use proposed:
Phone : () LOCATION
/ ) The state of t
( ) Subdivision ( ) Mobile Home Park ( ) Fill-Permanent ( ) Fill-Temporary ( ) Other (Describe):
NOTE: Applicant shall provide two sets of plans of the proposed construction or development.
4. Subdivision: Number:
4. Subdivision:  Number:  Lot Number: 2/ Blk.: 6 N.C.B.: 8646 Tract:  Location-Description (If not in a Subdivision):
FOR OFFICE USE ONLY
Is additional information required?
Are other Federal, State, or Local Permits required?
Permit Application - Reviewed by: Date
FLOODPLAIN ADMINISTRATOR (DIR. OF PUBLIC WORKS)  DATE

REMIT TO: INVOICE CITY OF SAN ANTONIO - DEV SVCS-1901 S. ALAMO 3791061 1901 S ALAMO SAN ANTONIO TX 78204 AMT ENCLOSED AMOUNT DUE 350.00 INVOICE DATE 10/20/2014 50-05-5574 DUE DATE 10/20/2014 CLARA SANCHEZ 1603 ARBOR PL. SAN ANTONIO, TX 78207 PHONE: (210) 415-4502 FLOOD PLAIN VARIANCE FEE FPV #15-001 - HOUSES PROJECT FACILITY LOCATION: 1901 ALAMO ST S

INVOICE ACCOUNT DUE DATE 3791061 50-05-5574 10/20/2014

VARIANCE/ADMIN EXCEPTIONFEE

DESCRIPTION

INVOICE DATE

LINE INDEX REF

1 012880-001

10/20/2014 3791061 50-05-5574

PAID 007 20 2014 USD - #3

OFFICE HOURS

AMOUNT

350.00

AGREEMENT DATES SERVICE DATES ORDINANCE CONTRACT DOCUMENT ST: 10/20/2014 CASH FPV #15-001 END 10/20/2014 INVOICE PAYMENTS RECV TOTAL INV AMT DUE INVOICE AMT 350.00 0.00 350.00 OTHER AMTS DUE TOTAL CUST AMT DUE CUSTOMER INFORMATION CITY OF SAN ANTONIO PAGE 1 OF 1

DEV SVCS-1901 S. ALAMO 1901 S ALAMO SAN ANTONIO TX 78204